



CYRUS R. VANCE, JR.
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BY ELECTRONIC MAIL

The Honorable Victor Marrero
U.S. District Court Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007
Email: ChambersNYSDMarrero@nysd.uscourts.gov

Re: Donald J. Trump v. Cyrus R. Vance, Jr.
Case No. 1:19-cv-08694 (VM)

Dear Judge Marrero:

The Office of Cyrus R. Vance, Jr., District Attorney of New York County, a defendant in this matter, is in receipt of Plaintiff's August 10, 2020 letter requesting a pre-motion conference on a proposed motion for discovery pursuant to Rule 56 of the Federal Rules of Civil Procedure. Dkt. 76. Pursuant to Section II (A) of the Court's individual rules of practice, which require a response to any such letter within two business days of the filing date of the letter, I write to inform the Court that the District Attorney opposes Plaintiff's proposed motion. The District Attorney's opposition was previously communicated to Plaintiff on August 7, 2020.

Plaintiff's proposed motion is speculative and premature. The District Attorney's motion to dismiss has not been resolved, much less converted to a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. Further, and as will be explained in our reply brief (due on August 14, 2020 at 12:00 p.m.), there is neither a need nor a basis to convert the pending motion to dismiss to a motion for summary judgment. Accordingly, the District Attorney opposes Plaintiff's proposed motion and respectfully reserves the right to supplement this opposition to Plaintiff's letter with an additional submission, to be filed no later than August 14, 2020 at 12:00 p.m., consistent with Plaintiff's simultaneous filing of his opposition to the motion to dismiss and his pre-motion conference request.

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by

Defendant Cyrus R. Vance, Jr.

SO ORDERED.

August 19, 2020

DATE

VICTOR MARRERO, U.S.D.J.

Respectfully submitted,

/s/ Carey R. Dunne

Carey R. Dunne, *General Counsel*
New York County District Attorney's Office
Counsel for Defendant Vance

CC, via e-mail: William Consovoy, Jerry D. Bernstein